

Settlement Date: December 22nd, 2004
Time: 10:00 A.M.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

IN RE:

Chapter 13
Case No. 04-43254 CB

ESTHER YANG,

NOTICE OF SETTLEMENT

Debtor(s)

-----X

PLEASE TAKE NOTICE, that an *Order*, a true copy of which is annexed hereto, will be presented for signature to the Hon. Cornelius Blackshear, United States Bankruptcy Judge, on the 22nd day of December, 2004 at 10:00 A.M., in the Judge's Chambers, Room 601, United States Bankruptcy Court, U.S. Customs House, One Bowling Green, New York, New York 10004.

No hearing will be conducted on this date. Written objections or counterorders must be submitted to chambers by no later than close of business on the business day prior to settlement.

OBJECTIONS TO PROPOSED ORDER:

All objections to a proposed order **MUST HAVE** the settlement date of the original notice typed or written on the first page in the upper right-hand corner of the document.

COUNTER-PROPOSED ORDERS:

All counter-proposed orders should be clearly denominated as such, with the return date of the original proposed order in the upper right-hand corner of the first page. A

copy of the transcript, if a hearing was held, must be submitted with the counter-proposed order.

Dated: White Plains, New York
December 6th, 2004

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir (JLS0938)
Chapter 13 Trustee
399 Knollwood Road
White Plains, New York 10603
Chapter 13 Tel. No. 914-328-6333

TO: United States Trustee
33 Whitehall Street
New York, New York 10004

Esther Yang
P.O. Box 20138
DHCC
New York, New York 10017

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE:

Chapter 13
Case No. 04-43254 CB

ESTHER YANG,

Debtor(s)
-----X

**ORDER DISMISSING CHAPTER 13 CASE
FOR FAILURE TO COMPLY WITH COURT ORDER**

The debtor, having failed to comply with this Court's Order dated November 1st, 2004 in that the debtor failed to appear and be examined at a 341(a) meeting of creditors, failed to timely file a plan and schedules, failed to commence proposed plan payments to the trustee, failed to provide the required documentation, to wit, copies of income tax returns, copies of payroll stubs evidencing regular employment/operating statements, a real estate/automobile appraisal, if applicable, and a third-party affidavit, where necessary, in violation of this court's standing order.

IT IS ORDERED THAT:

The Chapter 13 case is hereby dismissed pursuant to § 109(g) with prejudice for 180 days from the date hereof for Chapters 7, 11 or 13 in any jurisdiction in the United States Court, for failure to comply with this Court's Order; and

IT IS FURTHER ORDERED THAT, if the debtor files a subsequent petition under Title 11 in violation of this order without first obtaining authorization from this court to make such a filing, then the provisions of 11 U.S.C § 362 shall not apply to any subsequently filed case.

Dated: New York, New York
December , 2004

UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE:

Chapter 13
Case No. 04-43254 CB

ESTHER YANG,

**AFFIDAVIT OF NON-COMPLIANCE
WITH COURT ORDER**

Debtor(s)

-----X
STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Jeffrey L. Sapir, being duly sworn, deposes and says:

1. He is the standing Chapter 13 Trustee.
2. The debtor filed a Chapter 13 proceeding on October 29th, 2004.
3. The debtor failed to comply with the provisions of the order of this court

dated November 1st, 2004, in that the debtor failed to appear and be examined at the 341(a) meeting of creditors; failed to timely file a plan and schedules in violation of Bankruptcy Rules 3015(b) and 1007(c), respectively; failed to remit timely proposed plan payments to the trustee; and failed to provide the trustee with the required documentation, to wit, copies of income tax returns, copies of payroll stubs evidencing regular employment/operating statements, and a real estate/automobile appraisals, if applicable, in violation of this court's order.

WHEREFORE, the trustee respectfully requests that the annexed order dismissing this case pursuant to § 109(g) with prejudice for 180 days for the debtor's

failure to comply with the order(s) of this Court, be signed.

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir

Sworn to before me this
6th day of December, 2004

/s/ Jody L. Kava

Jody L. Kava
Notary Public, State of New York
No. 4836806
Qualified in Westchester County
Term Expires: 10/31/05

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

IN RE:

Chapter 13

Case No. 04-43254 CB

ESTHER YANG,

Debtor(s)

-----x

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in the
County of Westchester, State of New York.

On December 6th, 2004, I served a true copy of the within document, to the herein
listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed
envelope with postage prepaid thereon, in an official depository of the United States Postal Service
within the State of New York to the following:

TO:: United States Trustee
33 Whitehall Street
New York, New York 10004

Esther Yang
P.O. Box 20138
DHCC
New York, New York 10017

/s/ Lois Rosemarie Esposito
Lois Rosemarie Esposito

Sworn to before me this
6th day of December, 2004

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir
Notary Public, State of New York
No. 60-8764500
Qualified in Rockland County
Cert. Filed in Westchester County
Term Expires: 12/31/06